IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 854 (S/S) of 2006

Praduman Kumar Verma, (MT Driver),
S/o late Sri Jagmohan Verma,
RTS and Depot,
Hempur, Gaushala,
(Udham Singh Nagar) **……Petitioner**

V e r s u s

1. Union of India through Chief Secretary, New Delhi – I.
2. Officer Incharge, the Remount and Pashu Chikitsalaya, Appar Maha Nideshalaya, Addl. Dte. Gen. Remount Veterinary, Quarter Master General Branch Sena Mukhyalay, Army Headquarter, West Block – 3, R.K. Puram, New Delhi – 110066.
3. RVC to the Office Incharge, RVC Records, Meerut Cantt. U.P.
4. The Commandant Remount Training and Depot, Hempur, Guashala District, Udham Singh Nagar (UA).
5. Ministry of Defence, Government of India, New Delhi through its Secretary.

……Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri K.S. Bhaskar, learned counsel for the petitioner and Sri Pradeep Joshi, learned standing counsel for Union of India on behalf of respondents.
2. By means of this writ petition, the petitioner has prayed for the foll*owing reliefs:*

   A. to issue a writ, order or direction in the nature of Mandamus commanding the respondents to decide the representations (Annexure no. 8 and 9) within stipulated time.

B. *to issue a writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioner.*

C. *Award the cost of the writ petition to the petitioner.*

3. The submission of the learned counsel for the petitioner is that petitioner was appointed with respondent no. 2 on 07.10.1993 as Driver (MT) Grade – II. On 03.05.2003, he was promoted to the post of Driver (MT) Grade – II.

4. The submission of the petitioner is that he should have been promoted to the higher post. Since he was already working on the post of Driver (MT) Grade – II, there is no question of promoting him again on the same post on which he is working.

5. Learned standing counsel has submitted that in the year 1998, the designation of driver has been changed and after July, 1998, there were three categories of Drivers (i) Ordinary Grade, (ii) Driver Grade II and (iii) Driver Grade I. Since the petitioner was working in ordinary grade (i.e. in MT Grade) he was promoted to the post of Driver MT Grade II, which is a promotional post vide order dated 03.05.2003.

6. During the course of argument, learned counsel for the petitioner has confined his prayer that he has already made representation raising all his grievances before respondent no. 2 on 21.11.2005 (Annexure no. 9 to the writ petition) and respondent no. 2 may be directed to decide his representation within a particular period.

7. The prayer is innocuous. In the circumstances stated above, without going into the merit of the case, I think it just and proper to direct respondent no. 2 to take decision on the representation of the petitioner dated 21.11.2005 (Annexure No 9 to the writ petition) within a period of six weeks from the date of production of certified copy of this order.

8. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 01, 2006
SKSharma